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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/14/2013

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November 1, 2013

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square, Room 640
New York, New York 10007

Re: *New York Bankers Ass'n v. City of New York*, (13 CV 7212)

Dear Judge Failla:

Our office writes on behalf of the Association for Neighborhood and Housing Development (ANHD), the New Economy Project, and the National Community Reinvestment Coalition (NCRC), to request a pre-motion conference for a motion seeking leave to file an *amicus curiae* brief in the above captioned matter.

The proposed *amici* are New York City nonprofit organizations dedicated to serving low-income communities, with a particular focus on community economic development and on access to the banking system for individuals, small businesses, and nonprofit developers in low income communities and communities of color. ANHD and the New Economy Project organizations participated in the public discussions and hearings leading up to the passage of the Responsible Banking Act that is the subject of this case.

The proposed *amici* are well positioned to fulfill “the customary role of an *amicus* [which] is ‘to aid the court and offer insights not available from the parties.’” *SEC v. Bear*, 2003 WL 22000340, at *5 (quoting *United States v. El-Gabrowny*, 844 F. Supp. 955, 957 n.1 (S.D.N.Y. 1994)); see also *Russell v. Board of Plumbing Examiners of County of Westchester*, 74 F. Supp. 2d 349, 351 (S.D.N.Y. 1999) (“[A] *amicus* is to assist the Court in reaching the right decision in a case affected with the interest of the general public.”). It is appropriate to grant an appearance as *amicus curiae* where, as here, “the party cares only about the legal principles of the case, and has no personal, legally protectable interest in the outcome of the litigation.” *Russell*, 74 F. Supp. at 351.

Proposed *amicus* Association for Neighborhood Housing Development (ANHD) is a membership organization including over 90 community organizing and housing development groups in all five boroughs of New York City. ANHD and its members closely monitor the availability of credit in the communities they serve, and the catastrophic effect of questionable banking practices on low

income communities during the ongoing economic crisis. ANHD has also studied carefully the experiences of other cities in the U.S. – particularly Cleveland and Philadelphia – that have accumulated substantial experience administering statutes similar to the Responsible Banking Act, with consequent benefit to their communities and negligible adverse impact on their financial sectors.

Proposed amicus New Economy Project (formerly NEDAP) is a nationally renowned resource and advocacy center based in New York City, whose mission is to promote community economic justice and to eliminate discriminatory economic practices that harm low income communities. New Economy Project has authored numerous studies on mortgage lending patterns in NYC neighborhoods and access to credit in communities of color, and has trained advocates and regulators around the state and country about lending discrimination, community reinvestment, and bank accountability.

The National Community Reinvestment Coalition (NCRC) is an association of more than 600 community-based organizations that promotes access to basic banking services including credit and savings, to increase the flow of private capital into traditionally underserved communities to create and sustain affordable housing and job development. NCRC includes community reinvestment organizations, community development corporations; local and state government agencies; faith-based institutions; community organizing and civil rights groups; minority and women-owned business associations as well as local and social service providers from across the nation. NCRC provides training and publishes reports on topics including the Community Reinvestment Act (CRA), fair lending laws, fair housing and foreclosure prevention.

The proposed *amici* are intimately familiar with the legal and policy issues in this case and can provide the Court with information to aid it in the resolution of this matter. We therefore request the court to exercise its discretion and allow the proposed *amici* to submit a brief in support of the legality of the statute challenged by Plaintiffs herein.

Respectfully submitted,

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